

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1/13/2023</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CORY DARNELL HOLLAND, SR.
aka “KING”,

Plaintiff,

-v-

LIONS GATE ENTERTAINMENT
AND FILMS, *et al.*,

Defendants.
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ORDER

21-CV-2944 (AT) (JLC)

JAMES L. COTT, United States Magistrate Judge.

Plaintiff filed a notice of motion to file a defamation claim related to the character “Tariq” on December 13, 2022. Dkt. No. 81. Defendants filed an opposition to plaintiff’s motion on December 30, 2022 (Dkt. No. 86) (“Def. Opp.”), contending that plaintiff’s motion should be considered one for reconsideration of the Court’s October 11, 2022 Order (Dkt. No. 71), and as such it is both untimely and without merit. They argue that while plaintiff characterizes his motion as one for “leave” to file a defamation claim, he has “already filed the very defamation claim for which he seeks such leave, and the Court has already dismissed it.” Def. Opp. at 1. Indeed, in his motion, plaintiff himself states that he is requesting the Court “[p]rovide clarity on the character Tariq being OF AND CONCERNING the plaintiff as the Court has ruled on that main character GHOST is.” Dkt. No. 81, at 1.¹

While the parties and the Court discussed this issue at the pretrial conference held on January 5, 2023, no resolution of the motion occurred. Instead,

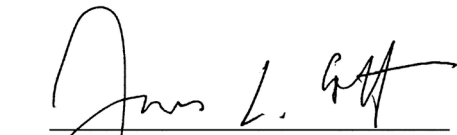
¹ Plaintiff filed a brief reply on December 30, 2022 (Dkt. No. 88).

at that time, the Court suggested that the characterization of the motion as one for reconsideration was accurate. *See* Transcript of January 5, 2023 Conference at 18:15-20 (Dkt. No. 92).

For avoidance of doubt, I hereby formally opine that the motion plaintiff has made at Docket No. 81 is one that is properly characterized as a motion for reconsideration of the Court's October 11 Order. Accordingly, since Judge Torres issued the October 11 Order addressing this issue in the first instance, it is my view that this motion is properly before her for decision.

SO ORDERED.

Dated: January 13, 2023
New York, New York



JAMES L. COTT
United States Magistrate Judge